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* ADMITTED IN NY & NJ

November 23, 2020

BY ECF

Honorable Pamela K. Chen
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Auerbach,
19 Cr. 607 (PKC)

Your Honor:

I write to inform the Court that I am filing my sentencing memorandum on behalf of Mr. Auerbach timely today, and to request that I be permitted to provide Your Honor by email the unredacted courtesy copies of the Memorandum required by Your Honor's rules. I will be providing an unredacted copy by the email to the government when I file a redacted copy by ECF, and I respectfully submit that the safest and quickest way to provide courtesy copies to the Court will be by email. If I am permitted to provide courtesy copies in this way, it saves me a trip to the Post Office, and that will help us all avoid possible infection. If the Court is willing to permit me to provide it courtesy copies by email, please have your deputy email me at rriopelle@sercarzandriopelle.com, and advise me of the email to which I should transmit the Sentencing Memorandum.

In addition, I ask for the Court's direction as to how we will proceed with my client's sentencing in a little over a week. Would the Court prefer to proceed by Video Conference or in person? While I generally would be loathe to proceed with a sentencing by Video Conference, with Covid 19 infection rates rising, my client and I are willing to proceed in that way if the Court would prefer to do so for safety's sake. My client does very much want to get the sentencing over now, so we do not wish to adjourn the sentence any longer if that can be avoided.

I look forward to hearing from the Court in response to this inquiry, and to appearing before Your Honor – in person or by video conference – on December 2, 2020.

Respectfully submitted,

Roland G. Riopelle

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cc: AUSA Mark E. Bini (by ECF)